



APPLICATION FOR A DRINKING ESTABLISHMENT WAIVER FROM REGULATION OF SMOKING IN RESTAURANTS

DRINKING ESTABLISHMENT: _____

PHONE: _____ STATE LICENSE NO: _____

BUSINESS ADDRESS: _____

REPRESENTATIVE'S NAME: _____ TITLE: _____

REPRESENTATIVE'S RESIDENT ADDRESS: _____

This application for a drinking establishment waiver from regulation of smoking in restaurants is made pursuant to Saline Code Section 30.5-7, which provides as follows:

Sec. 30-5.7. Waiver for Certain Licensed Drinking Establishments.

(a) Licensed drinking establishments which derive from sales of food for consumption on the licensed drinking establishment premises not in excess of 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period shall be eligible for a waiver from the requirements of this ordinance. In order to obtain such a waiver, application shall be made by the holder of the drinking establishment license verifying by sworn affidavit that the drinking establishment falls below the maximum food sales ratio. The city may, at its discretion and from time to time, require from the drinking establishment licensee copies of reports filed by the licensee with the Kansas Department of Alcohol and Beverage Control in order to verify licensee's food sales ratio.

(b) Drinking establishment licensees seeking to open a drinking establishment or substantially change operation of an existing establishment so that it may operate under the waiver for qualifying licensed drinking establishments shall provide a sworn affidavit and agreement which shall state that the licensee's business plan projections indicate sales of food for consumption on the licensed drinking establishment premises shall not exceed 30% of its gross receipts from all sales of food and beverages on such premises.

Attached is the affidavit required for qualification for the waiver. I understand the waiver to be ongoing for so long as the drinking establishment continues to qualify for the waiver, however, by making this application I acknowledge on behalf of the drinking establishment licensee that failure to comply with any conditions of the waiver may result in revocation of the waiver and that it shall be the duty of the drinking establishment licensee to self-report to the City Clerk any change in circumstances which relates to its qualification for the waiver.

DATE: _____ SIGNED: _____

For office use only:

The foregoing application (approved/disapproved) by the City Manager or designee.

Date: _____
 Name, Title _____

AFFIDAVIT FOR DRINKING ESTABLISHMENT WAIVER
FROM REGULATION OF SMOKING IN RESTAURANTS

STATE OF KANSAS, COUNTY OF SALINE, ss:

_____, of lawful age, being first duly sworn on oath deposes and states as follows:

1. I am (check and complete correct classification):

- ☐ an individual
- ☐ agent for _____, a corporation,
- ☐ agent for _____, a limited liability company,
- ☐ general partner for _____, a partnership,

and holder of drinking establishment licenses issued by the State of Kansas and the City of Salina, Kansas (the "Licensee") for the premises located at _____, Salina, Kansas (the "Licensed Premises") and known as _____ (the "Drinking Establishment").

2. This Affidavit is made pursuant to Salina Code Section 30.5-7 and for the purpose of applying for the waiver for certain licensed drinking establishments from the requirements of Chapter 30.5 of the Salina Code regarding smoking in restaurants (the "Waiver").

3. I am personally familiar with the gross receipts from the sale of food and beverage for consumption on the Licensed Premises of the Drinking Establishment.

4. In a 12 month period, the sales of food for consumption on the Licensed Premises of the Drinking Establishment are not in excess of thirty percent (30%) of the gross receipts from all sales of food and beverages for consumption on the Licensed Premises.

5. I acknowledge that the City of Salina may, at its discretion and from time to time, require from the Licensee copies of its filings with the Kansas Department of Revenue in order to verify the Licensee's food sales ratio, with the understanding that the City will maintain the confidentiality of those filings to the extent allowed by law. I also acknowledge that failure to provide copies of those filings when required by the City may result in revocation of the Waiver.

6. I acknowledge that if, in a 12 month period, the sales of food for consumption on the Licensed Premises increase so as to exceed thirty percent (30%) of the gross receipts from all sales of food and beverages for consumption on the Licensed Premises, it shall be the duty of the Licensee to report to the City Clerk that the Licensee no longer qualifies for the Waiver and to fully comply with the provisions of Chapter 30.5 of the Salina Code.

Further Affiant saith not.

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

My appointment expires: